

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

MARIA JULIA PIZARRO

Claim No. CU-3204

Decision No. CU-395

Under the International Claims Settlement  
Act of 1949, as amended

Appeal and objections with respect to a Proposed Decision entered on  
October 4, 1967.

Hearing on the record held on June 16, 1971.

FINAL DECISION

Under date of October 4, 1967 the Commission denied this claim, based on bonds of the Cuba Northern Railways Company, inasmuch as claimant was not a national of the United States on the date of loss nor on the date of filing claim with this Commission as required by Title V of the International Claims Settlement Act of 1949, as amended.


Claimant objected, contending that Cuba Northern Railways Company was a national of the United States, and that the Act provides for consideration of claims of nonnationals of the United States depending on the nature and extend of the interests therein.

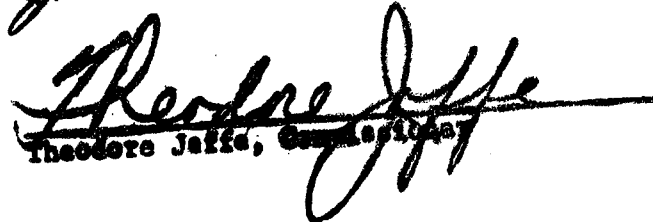
The Commission has considered this entire matter and notes that Cuba Northern Railways Company does not qualify as a national of the United States (see Claim of Kentucky Home Mutual Life Insurance Company, Claim No. CU-1339), and further, the Act does not contain such a provision as referred to by claimant.

The Commission finds no valid basis for altering the decision previously entered on this claim. Accordingly, the Proposed Decision is affirmed in all respects.

Dated at Washington, D. C.,  
and entered as the Final  
Decision of the Commission

JUN 23 1971

  
Lyle S. Garlock, Chairman

  
Theodore Jaffe, Commissioner

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PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, was presented by MARIA JULIA PIZARRO, for \$46,000.00, based upon asserted loss suffered in connection with ownership of 46 bonds of Cuba Northern Railways Company. Claimant, MARIA JULIA PIZARRO, states that she is a United States resident, having filed a declaration of intention to become a United States citizen on January 18, 1965.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964) 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 504 of the Act provides, as to ownership of claims, that

(a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

Section 502(1) of the Act defines the term "national of the United States" to mean "(A) a natural person who is a citizen of the United States." The term does not include aliens.

Thus, in order for the Commission to favorably consider claims under Section 503(a) of Title V of the Act, it must be established (1) that the subject property was owned in whole or in part by a national of the United States on the date of nationalization or other taking; and (2) that the claim arising as a result of such nationalization or other taking has been continuously owned thereafter in whole or in part by a national or nationals of the United States to the date of filing with the Commission.

According to claimant's statements she is not a national of the United States within the meaning of the present statute. Therefore, even if it were to be assumed that she suffered a loss in connection with her bonds within the scope of the Act, it is clear that this claim was not owned by a national of the United States on the date of loss or on May 2, 1967, the date on which it was filed with the Commission.

Accordingly, the Commission concludes that this claim is not valid under Title V of the Act in that it was not owned by a national of the United States on the date of loss or of filing with the Commission, and, therefore, it is hereby denied.

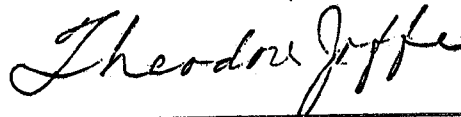
The Commission deems it unnecessary to make specific findings with respect to other elements of this claim.

Dated at Washington, D. C.,  
and entered as the Proposed  
Decision of the Commission

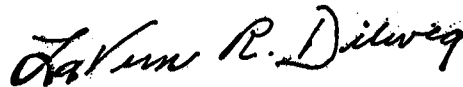
**OCT 4 1967**



Edward D. Re, Chairman



Theodore Jaffe, Commissioner



LaVern R. Dilweg, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 513.5 (e) and (g) as amended, 32 Fed. Reg. 412-13 (1967).)